

United States Patent and Trademark Office



APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,725	01/11/2002	Gerald Tablada Caneba	1992.VIN	4004
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Thomas F. Roland NATIONAL STARCH AND CHEMICAL COMPANY P.O. Box 6500			EXAMINER	
			ZALUKAEVA, TATYANA	
Bridgewater, NJ 08807-0500		ART UNIT	PAPER NUMBER	
			1713	3
			DATE MAILED: 12/31/2002	

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No. Applicant(s) Application No. Applicant(s)	A '						
## Disposition of Claim(s) ## 12 is/are pending in the application. ## 20 Claim(s) ## 12 is/are allowed. Claim(s) ## 13 is/are allowed.		Application No.	Applicant(s)				
Tayana Zalukaeva 1713 The MAILING DATE of this communication appears on th cover sheet with the correspondence address - Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. The MAILING DATE of THIS COMMUNICATION. If the period for rely seciled above is tass han thirty (30) eays, a regy within the salusory minimum of thinty (30) days will be considered through the period for rely seciled above is that she thirty (30) eays, a regy within the salusory minimum of thinty (30) days will be considered through the period for rely seciled above is the salusory period will get an adjustment of thinty (30) days will be considered through the period for rely seciled above is the salusory period will be adjusted to the period for rely seciled above the secondariation of the period for the secondariation of the period for rely to the period of the secondariation of the period for the period and the period of the secondariation of the period of the secondariation of the period of the communication of the period of the period of the communication of the period of the communication of the period of the		10/045,725	CANEBA ET AL.				
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1) Responsive to communication(s) filed on 11 January 2002 . 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-14 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1 Certified copies of the priority documents have been received. 2 Certified copies of the priority documents have been received in Application No 3 Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachment(s) 111/2 in	A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
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DETAILED ACTION

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-8, drawn to a copolymer classified in class 526, subclass 317.1.
 - II. Claims 9-14, drawn to a free radical retrograde polymerization process, classified in class 526, subclass 73.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case a product as claimed, which is not claimed as a product obtained by the process of Group II can be produced by a materially different method, namely, by a conventional free radical polymerization in emulsion or suspension, as well as by ionic polymerization in the presence of metallocene or Ziegler-Natta catalysts.
- 3. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

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- 4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
- 5. A telephone call was made to Mr. Roland, esq. on December 10, 2002 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tatyana Zalukaeva whose telephone number is (703)308-8819. The examiner can normally be reached on 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on (703) 308-2450. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0651.

TATYANA ZALUKAEVA PATENT EXAMINER Tatyana Zalukaeva Primary Examiner Art Unit 1713

December 16, 2002